

COUNTY COMMISSION MEETING – June 15, 2010

Consent Agenda: Land Use Authority Mtg. Item – June 8th, 2010

CONDITIONAL USE PERMIT EXTENSION Review extension on permission to construct and operate an asphalt plant, and reopen for temporary use during construction on I-15, within the I-1 zone, Section 1, T40-S, R13W, SLB&M, zone near Pintura. Sunroc/Russell Leslie or Gene Beck, applicant.

The planner indicated this will be the 3rd extension on the Conditional Use for an asphalt plant on 31.5 acres near Pintura. This years review will include a temporary site plan/use for construction on Interstate 15, as they are use the same temporary facility used previously. The County Commission approved the I-1 Zone change on the 6th of March and the CUP on March 27, 2007 (County Code 10-12-3). Prior to receiving a building permit on the permanent facility, the Planning Commission will have to grant Site Plan Approval (County Code 10-12-4:D), and at that time, the Commission will need to review Title 10-12-5: Special Provisions, which may need to be considered with the Conditional Use Permit or Site Plan Approval. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement which was installed when the temporary plant operation was approved several years ago. The motion in 2007 was as follows: “*...to recommend approval of the Conditional Use Permit, for a period of one (1) year, subject to site plan approval. The one year will begin at the time of activation, with no activity allowed beforehand.*”

Facts/findings:

- We have had several residents of the community voice their concerns
- The dust control has been inadequate
- Their is a problem with the noise, however there is no reasonable condition that can substantially mitigate the noise
- They have permits that allow them to operate 24 hours a day, seven days a week, but they will only run as needed by the conditions of their contracts
- Sunroc indicated they have enough water
- Exterior lighting is adequate, but it does disturb the neighbors
- Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets has been reviewed
- Utility capacity is adequate
- Emergency access is adequate
- The location and design of parking both on site and off street is adequate
- The use does not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal

Motion was made by Commissioner Ford to recommend approval of the Conditional Use

Permit Extension, to operate a temporary asphalt plant within the I-1 zone, based on the facts and findings and subject to the applicant mitigating the impact of the lighting on the residents, having no direct light on the residents, using adequate dust control and meeting the requirements of the permits from DEQ and DAQ. Commissioner Cropper seconded the motion, with all six (6) commissioners voting aye. 6 -0 approved

CONDITIONAL USE PERMIT EXTENSION Review extension of a gravel crushing operation, within the OST-20 zone in the Pintura area of Washington County. Dana Truman or Gene Beck/Sunroc, applicant.

The planner said the commission may recall there have been two 90-day reviews and this will be the 2nd annual extension for the gravel crushing operation. In 2008, the first contract with UDOT for improvements to Interstate 15 was fulfilled and now there is a second contract, so there will be a need to operate during the nighttime hours. There has been a recent complaint from a resident in Pintura about the noise. This is the annual review for the crushing operation that County Commission approved within the OST-20 Zone. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement. The commission addressed the following issues as a part of their previous motion in 2007: *"... hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting that if the crusher is moved from Phase 1 on the site plan to Phase 2, an additional Conditional Use Permit will be required, and that the property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road."*

Facts/findings:

- We have had several residents of the community voice their concerns
- The dust control has been inadequate
- There is a problem with the noise, however there is no reasonable condition that can substantially mitigate the noise
- They have permits that allow them to operate 24 hours a day, seven days a week, but they will only run as needed by the conditions of their contracts
- Sunroc indicated they have enough water
- Exterior lighting is adequate, but it does disturb the neighbors
- Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets has been reviewed
- Utility capacity is adequate
- Emergency access is adequate
- The location and design of parking both on site and off street is adequate
- The use does not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal

- Road ingress and egress are sufficient to allow safe travel for vehicle and pedestrians surrounding the conditional use
- The hours of operation have been addressed and it was determined that there is no reasonable condition that can substantially mitigate the effect on residents

Motion was made by Commissioner Everett to recommend approval of the Conditional Use Permit Extension for a gravel crushing operation within the OST-20 zone, based on the facts and findings and subject to the applicant mitigating the impact of the lighting on the residents, having no direct light on the residents, using adequate dust control and meeting the requirements of the permits from DEQ and DAQ. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye. 6 -0 approved

Regular Agenda: Land Use Authority Mtg. Item – June 8th, 2010

ORDINANCE AMENDMENT Consider approval of changes to Title10, Chapter 18: Conditional Uses, Section 5: Development Plan: C. Meeting to be Scheduled; Notice. County initiated.

The planning commission opened a public hearing as referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meetings. The planner advised this ordinance amendment is in keeping with suggestions from the commission at our previous work meeting. There may need to be changes to the notification process in areas where certain types of conditional uses are requested to make the local citizens aware of what is coming to or being requested in the neighborhood, such as, cellular towers or other types of uses. It has been suggested by staff that the commission may want to consider listing types of uses “permitted” without notification. A packet will be provided to the applicant as to the standards & procedures of notification.

Motion was made by Commissioner Christopher to recommend approval of the ordinance amendment to Title 10, Chapter 18. Commissioner Everett seconded the motion, with all six (6) commissioners voting aye. 6 -0 approved

ORDINANCE AMENDMENT Consider approval of changes to Title10, Chapter 8B: Residential Estates Zone, Section 10-8B-3.B.c: Conditional Uses: ten (10) day notice prior to hearing. County initiated.

After the public hearing, the planner said this particular ordinance amendment is a “housekeeping” item in an effort to make the ordinance consistent with what is required in other chapters of the zoning ordinance and State Code. This change deletes the advertising process for Bed and Breakfast within the RE zones. This has been properly advertised for the hearing process and will go before the County Commission on June 15, 2010.

Motion was made by Commissioner Cropper to recommend approval of the ordinance amendment to Title 10, Chapter 8B. Commissioner Christopher seconded the motion, with

all six (6) commissioners voting aye. 6 -0 approved

ORDINANCE AMENDMENT Consider approval of changes to Title10, Chapter 9: PD Planned Development Zone, Section 10-9-6.C. Conditional Uses: 2: Cemeteries (Utah Code Title 08) and renumbering 2 thru 13. County initiated.

After the public hearing, the planner indicated this amendment is in keeping with suggestions from the commission previously regarding cemeteries after reviewing a Conditional Use Permit at the November 10th, 2009 meeting for Mr. Staples. This change is as simple as listing cemeteries as a conditional use, referencing the State Code and renumbering following uses. This change will allow for Mr. Staples to return with an amended PD zone to facilitate the cemetery and changes he has already made in property lines. Cemeteries should be conditionally approved in the PD zone and this change to the zone will be in keeping with the mixed uses and sustainable communities. This has been properly advertised for the hearing process and will go before the County Commission on June 15, 2010.

Motion was made by Commissioner Everett to recommend approval of the ordinance amendment to Title 10, Chapter 9. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye. 6 -0 approved